

TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinions

EAO-614: Does the rule defining a "principal purpose" of a political committee (TEC Rule §20.1(17)) apply to a nonprofit corporation? If so, what threshold must a nonprofit corporation remain below to avoid becoming a political committee. (AOR-707).

SUMMARY

By definition, two or more persons must act in concert with a principal purpose of making political expenditures or accepting political contributions to form a political committee. If a group of persons form a nonprofit corporation that has as a principal purpose accepting political contributions or making political expenditures, the corporation is a political committee.

To determine whether a group has a principal purpose of making political expenditures, the TEC will consider all the facts and circumstances concerning the group's actual and planned activities related to making political expenditures.

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on December 3, 2024.

TRD-202405900

Jim Tinley

General Counsel

Texas Ethics Commission

Filed: December 6, 2024



EAO-615: Whether an officer of a state agency meets the definition of an "appointed officer" in Chapter 572 of the Government Code when the officer is not appointed to a term of service fixed in statute or state constitution beyond the default maximum term specified by Article XVI, Section 30(a) of the Texas Constitution. (AOR-717CI).

SUMMARY

When the Constitution or statute does not fix a term of service for a particular officer of a state agency, the officer nevertheless serves a default term of not more than two years. Such an officer of a state agency is required to file a personal financial statement. Therefore, the TEC overrules prior advisory opinions to the extent they are inconsistent with this opinion.

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on December 3, 2024.

TRD-202405901

Jim Tinley

General Counsel

Texas Ethics Commission

Filed: December 6, 2024



EAO-616: Whether the generally applicable lobby registration and disclosure requirements apply to a person who lobbies on behalf of a tribal nation. (AOR-718).

SUMMARY

The generally applicable lobby registration and disclosure requirements apply to a person who lobbies on behalf of a tribal nation.

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on December 3, 2024.

TRD-202405902

Jim Tinley

General Counsel

Texas Ethics Commission

Filed: December 6, 2024

